

EPSTEIN BECKER & GREEN, P.C.  
One Gateway Center  
Newark, New Jersey 07102  
Telephone: (973) 642-1900  
Facsimile: (973) 642-0099  
Attorneys for Plaintiffs  
Ross University School of Medicine and  
Global Education International, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ROSS UNIVERSITY SCHOOL OF  
MEDICINE and GLOBAL EDUCATION  
INTERNATIONAL, INC.,

Plaintiffs,

v.

BEHZAD AMINI, [WWW.ROSSU.NET](http://WWW.ROSSU.NET),  
[WWW.ROSSMEDICALSCHOOL.ORG](http://WWW.ROSSMEDICALSCHOOL.ORG),  
[WWW.ROSSMEDSCHOOL.COM](http://WWW.ROSSMEDSCHOOL.COM), and  
[WWW.JOHNDOEROSSINFRINGINGSITES1-20.DOE](http://WWW.JOHNDOEROSSINFRINGINGSITES1-20.DOE)

Defendants.

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Civil Action No. 3-13-cv-06121

**REPLY DECLARATION OF  
JAMES P. FLYNN IN SUPPORT OF  
APPLICATION FOR PRELIMINARY  
INJUNCTIVE RELIEF**

I, James P. Flynn, declare under 28 U.S.C. §1746 as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm of Epstein Becker & Green, counsel for plaintiffs in this matter.
2. Defendant Amini states that at several places in his pages (*e.g.*, par 59 of his response), that he “placed a disclaimer at the top of the first page of the website.” While plaintiffs will explain in the reply brief why such a disclaimer (wherever located) is legally irrelevant and does not abate the actionable initial interest confusion caused by defendant Amini using confusingly similar, infringing domain names to lure actual and potential Ross University

School of Medicine students to his sites, the documents attached to, and described in, this certification demonstrate that the statement is untrue—there is no disclaimer printed on the first page of the offending websites.

3. First, Mr. Amini states that the “entire website is in the record,” citing his Ex. 5. An examination of Ex. 5 reveals that the disclaimer to which he refers appears on page 15-16 of 16, not on the first page.

4. Second, a review of the website itself reveals that the disclaimer is not printed on the initial landing page. *See* Verified Complaint, Ex. C. In fact, that disclaimer is hidden beneath a hyperlink tab that is the eleventh menu that one reaches, after “Home,” “Administration,” “Campus & Faculty,” “Curriculum,” “Clinicals & Clerkships,” “File A Complaint,” “Lawsuits,” “Forums,” “News & Events,” and “About.”



Indeed, at another infringing site, [www.rossuniversity.info](http://www.rossuniversity.info), plaintiffs’ counsel identified only after the complaint was filed, the disclaimer was on the twelfth menu:



*See* Ex. 1 hereto. (Amini has not fully complied with this Court’s October 16<sup>th</sup> Order in that he has not supplied plaintiffs with a list of all domain names that he has registered using the word

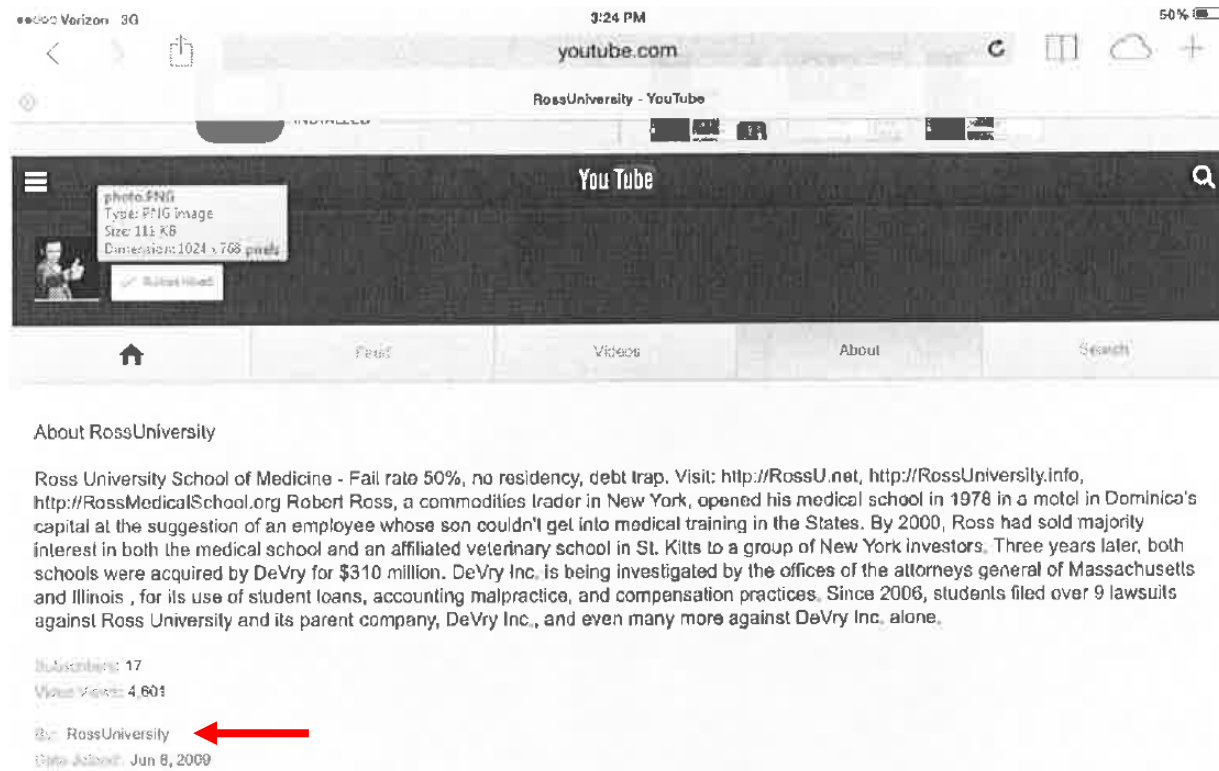
“Ross.” Plaintiffs point to this post-complaint discovery of site beyond the three specifically identified in complaint and Amini’s failure to comply with this Court’s order as further evidence of the bad faith nature of his registration and use of various infringing domain names).

5. Furthermore, this infringing site directly and specifically solicits and facilitates actions by viewers in the form of the filing of complaints.



Ex. 1 hereto.

6. Additionally, Defendant Amini posted at YouTube information in which he described the postings as “By Ross University” without including a disclaimer of any type:



See Ex. 2 hereto; *see also* Verified Complaint, Ex. E.

7. Thus, as noted earlier, the statement that the disclaimer is printed on the first page has no support in the record.

I declare under penalty of perjury that the foregoing is true and correct.

  
James F. Flynn

Dated: 10/25/2013

Ex 1.

This is Google's cache of <http://rossuniversity.info/ross-university-administration/>. It is a snapshot of the page as it appeared on Oct 9, 2013 00:22:36 GMT, though declarant only discovered it on October 16, 2013 after the filing of the Verified Complaint

Ex. 2**About RossUniversity**

Ross University School of Medicine - Fail rate 50%, no residency, debt trap. Visit: <http://RossU.net>, <http://RossUniversity.info>, <http://RossMedicalSchool.org> Robert Ross, a commodities trader in New York, opened his medical school in 1978 in a motel in Dominica's capital at the suggestion of an employee whose son couldn't get into medical training in the States. By 2000, Ross had sold majority interest in both the medical school and an affiliated veterinary school in St. Kitts to a group of New York investors. Three years later, both schools were acquired by DeVry for \$310 million. DeVry Inc. is being investigated by the offices of the attorneys general of Massachusetts and Illinois, for its use of student loans, accounting malpractice, and compensation practices. Since 2006, students filed over 9 lawsuits against Ross University and its parent company, DeVry Inc., and even many more against DeVry Inc. alone.

Subscribers: 17

Video Views: 4,601

By: RossUniversity

Date Added: Jun 8, 2009